

1 RENE L. VALLADARES
Federal Public Defender
2 Nevada State Bar No. 11479
RICK MULA
3 Assistant Federal Public Defender
411 E. Bonneville, Ste. 250
4 Las Vegas, Nevada 89101
(702) 388-6577/Phone
5 (702) 388-6261/Fax
Rick_Mula@fd.org
6 Attorney for Sean Michael Parker
7

8 **UNITED STATES DISTRICT COURT**
9 **DISTRICT OF NEVADA**

10 UNITED STATES OF AMERICA,
11 Plaintiff,
12
13 v.
14 SEAN MICHAEL PARKER,
15 Defendant.

Case No. 2:23-mj-00433-DJA

ORDER TO CONTINUE
MOTION DEADLINES AND BENCH
TRIAL
(First Request)

16
17 IT IS HEREBY STIPULATED AND AGREED, by and between Jason M. Frierson,
18 United States Attorney, and Imani Dixon, Assistant United States Attorney, counsel for the
19 United States of America, and Rene L. Valladares, Federal Public Defender, and Rick Mula,
20 Assistant Federal Public Defender, counsel for Sean Michael Parker, that the bench trial
21 scheduled for December 13, 2023 at 9:00 am, be vacated and set to a date and time convenient
22 to this Court, but no sooner than sixty (60) days.

23 IT IS FURTHER STIPULATED AND AGREED, that the parties herein shall have to
24 and including January 5, 2024, to file any and all pretrial motions and notices of defense.

25 IT IS FURTHER STIPULATED AND AGREED, by and between the parties, that they
26 shall have to and including January 19, 2024, to file any and all responsive pleadings.

1 IT IS FURTHER STIPULATED AND AGREED, by and between the parties, that they
2 shall have to and including January 26, 2024, to file any and all replies to dispositive motions.

3 The Stipulation is entered into for the following reasons:

4 1. Defense counsel requested discovery from the Government on October 11,
5 2023.

6 2. Discovery has not yet been produced.

7 3. Defense counsel will require additional time to review the discovery once it is
8 produced.

9 4. The defendant is out of custody and does not object to the continuance.

10 5. The parties agree to the continuance.

11 6. The additional time requested herein is not sought for purposes of delay, but
12 merely to allow counsel for defendant sufficient time within which to be able to effectively and
13 complete investigation of the discovery materials one they are provided.

14 7. Additionally, denial of this request for continuance could result in a miscarriage
15 of justice. The additional time requested by this Stipulation is excludable in computing the time
16 within which the trial herein must commence pursuant to the Speedy Trial Act, Title 18, United
17 States Code, Section 3161(h)(7)(A), considering the factors under Title 18, United States Code,
18 Section 3161(h)(7)(B)(i), (iv).

19 This is the first stipulation to continue filed herein.

20 DATED this 6th day of November, 2023.

21 RENE L. VALLADARES
22 Federal Public Defender

JASON M. FRIERSON
United States Attorney

23 By /s/ Rick Mula

By /s/ Imani Dixon

24 RICK MULA
Assistant Federal Public Defender

IMANI DIXON
Assistant United States Attorney

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

UNITED STATES OF AMERICA,

Plaintiff,

v.

SEAN MICHAEL PARKER,

Defendant.

Case No. 2:23-mj-00433-DJA

**FINDINGS OF FACT, CONCLUSIONS
OF LAW AND ORDER**

FINDINGS OF FACT

Based on the pending Stipulation of counsel, and good cause appearing therefore, the Court finds that:

1. Defense counsel requested discovery from the Government on October 11, 2023.
2. Discovery has not yet been produced.
3. Defense counsel will require additional time to review the discovery once it is produced.
4. The defendant is out of custody and does not object to the continuance.
5. The parties agree to the continuance.
6. The additional time requested herein is not sought for purposes of delay, but merely to allow counsel for defendant sufficient time within which to be able to effectively and complete investigation of the discovery materials once they are provided.
7. Additionally, denial of this request for continuance could result in a miscarriage of justice. The additional time requested by this Stipulation is excludable in computing the time within which the trial herein must commence pursuant to the Speedy Trial Act, Title 18, United

1 States Code, Section 3161(h)(7)(A), considering the factors under Title 18, United States Code,
2 Section 3161(h)(7)(B)(i), (iv).

3 **CONCLUSIONS OF LAW**

4 The ends of justice served by granting said continuance outweigh the best interest of the
5 public and the defendant in a speedy trial, since the failure to grant said continuance would be
6 likely to result in a miscarriage of justice, would deny the parties herein sufficient time and the
7 opportunity within which to be able to effectively and thoroughly prepare for trial, taking into
8 account the exercise of due diligence.

9 The continuance sought herein is excludable under the Speedy Trial Act, Title 18,
10 United States Code, Section § 3161 (h)(7)(A), when the considering the factors under Title 18,
11 United States Code, § 3161(h)(7)(B)(i), (iv).

12 **ORDER**

13 IT IS THEREFORE ORDERED that the parties herein shall have to and including
14 January 5, 2024 to file any and all pretrial motions and notice of defense.

15 IT IS FURTHER ORDERED that the parties shall have to and including January 19,
16 2024 to file any and all responses.

17 IT IS FURTHER ORDERED that the parties shall have to and including January 26,
18 2024 to file any and all replies.

19 IT IS FURTHER ORDERED that the bench trial currently scheduled for December 13,
20 2023, at the hour of 9:00 a.m., be vacated and continued to
21 March 20, 2024, at 9:00 a.m., Courtroom 3A.

22 DATED this 7th day of November, 2023.



23
24 DANIEL J. ALBREGTS
25 United States Magistrate Judge
26